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			EXAMINER LONSBERRY, HUNTER B	
			ART UNIT 2611	PAPER NUMBER 7

DATE MAILED: 09/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/628,805

Applicant(s)

ASMUSSEN, MICHAEL L.

Examiner

Hunter B. Lonsberry

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-78 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-78 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 July 2000 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4.5</u> . | 6) <input type="checkbox"/> Other: ____. |

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DETAILED ACTION

Double Patenting

1. A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

Claim 52 provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claim 52 of copending Application No. 09/597,893. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

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Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claim 1 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 09/597,893. Although the conflicting claims are not identical, they are not patentably distinct from each other because they are different definitions or descriptions of the same subject matter, varying breadth, For example note the following relationship between the instant application claim 1, and copending application 09/597,893 claim 1 (which includes all of the claim language of copending claim 1):

a) "A method for targeting virtual advertisements at a users terminal" (line2) of the instant application corresponds to "a method for targeting virtual advertisements to terminals," (line 2) of copending application 09/597,893.

b) the claimed "assigning at least one virtual advertisement spot to a program" (line 3) of the instant application corresponds to "assigning at least one virtual advertisement spot to a program" (line 3) of the copending application 09/597,893.

c) the claimed "assigning one or more virtual objects to the at least one virtual advertisement spot" (lines 4-5) corresponds to "assigning one or more virtual objects to the at least one virtual advertisement spot" (lines 4-5) of the copending application 09/597,893.

d) The claimed "generating a retrieval plan; and providing the retrieval plan to the terminal, wherein the retrieval plan directs the terminal to select one of the one or more virtual objects" (lines 6-8) corresponds to "generating a retrieval plan, wherein the retrieval plan directs the terminal to select one of the one or more virtual objects" (lines 6-7) of the copending application 09/597,893.

It would have been obvious to one of ordinary skill in the art to readily recognize that the conflicting claims are different definitions or descriptions of the same subject matter, varying in breadth.

Claim 7 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 6 of copending Application No. 09/597,893. Although the conflicting claims are not identical, they are not patentably distinct from each other because both claims are directed to a method of targeting virtual objects, in which a program contains virtual object locations, virtual objects and alternate virtual objects are provided for a location and a retrieval plan it utilized to designate which location displays an alternate virtual object.

Claim 34 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 32 of copending Application No. 09/597,893. Although the conflicting claims are not identical, they are not patentably distinct from each other because both claims are directed to a method of assigning virtual objects to a location in a program,

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by identifying the program to carry a virtual object, assigning the object to a categories, ranking the programs, ranking the objects and then determining which objects have the highest ranking for each category, assigning default and alternate objects to the object locations.

Claim 43 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 42 of copending Application No. 09/597,893. Although the conflicting claims are not identical, they are not patentably distinct from each other because both claims are directed to a method of targeting virtual objects by gathering information on a subscriber to generate a profile, correlating a profile to a virtual object category and then selecting the virtual object to display for a subscriber.

Claim 48 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 47 of copending Application No. 09/597,893. Although the conflicting claims are not identical, they are not patentably distinct from each other because both claims are directed to an apparatus that targets virtual objects at a viewer site, which utilizes a virtual object location identifier to find a location in a video, a virtual object selector to select a virtual object for display.

Claim 51 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 51 of

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compending Application No. 09/597,893. Although the conflicting claims are not identical, they are not patentably distinct from each other because both claims are directed to a routine which targets virtual objects to an individual viewer, and utilizes a group definition routine to determine target categories, a group assignment routine that assigns a terminal to a group, a virtual object location routine which determines object locations in a program, and a retrieval plan generator which retrieves an object for display based on group characteristics.

Claim 54 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 54 of compending Application No. 09/597,893. Although the conflicting claims are not identical, they are not patentably distinct from each other because both claims are directed to method of targeting virtual objects to terminals, identifying individual terminals by their characteristics, identifying virtual object locations within programs for display at the terminals, and integrating the virtual objects for inserting into a location based on the identities of the terminals

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-10, 12-21, 25-32, 34-45, 51-56, 58-64, 66 and 68-78 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. 6,177,391 B1 to Alexander.

Regarding claim 1, Alexander discloses a method for targeting virtual advertisements within an electronic program guide in figure 1 comprising

Assigning at least one virtual advertisement spot to a program 12

Assigning one or more virtual objects to a virtual advertisement spot 12/16

Generating a retrieval plan, wherein the retrieval plan instructs one or more of the terminals to select one or more virtual objects (column 33, lines 44-65).

Regarding claim 2, Alexander discloses defining a target category designating a group based on common viewer characteristics to a target category (column 32, lines 39-47).

Regarding claim 3, Alexander discloses assigning a terminal to a group by,

Generating group assignment rules (column 30, lines 29-44),

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Providing rules and storing the rules at the terminal (column 29, lines 14-30)

Determining one or more group assignments based on the group assignment rules and data related to the terminal (column 32, lines 9-13, 39-47, column 34, lines 17-24).

Regarding claim 4, Alexander discloses that group assignments may be based programs watched information and that this information is updated to reflect changes (column 29, lines 31-68).

Regarding claim 5, Alexander discloses a retrieval plan comprising

Designating a group mask for one or more the groups (column 32, lines 45-48)

Assigning one or more of the groups to one of the virtual objects wherein the group mask indicates which terminals display a virtual object.(column 32, lines 42-48).

Regarding claim 6, Alexander discloses that the retrieval plan is sent periodically (column 29, lines 22-36, column 34, lines 17-25).

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Regarding claim 7, Alexander discloses a method for targeting virtual advertisements within an electronic program guide in figure 1 comprising
providing at least one virtual advertisement spot to a program 12
providing one or more virtual objects to a virtual advertisement spot 12/16
providing at least one alternate virtual object (column 33, lines 36-43)
Generating a retrieval plan, wherein the retrieval plan instructs one or more of the terminals to select one or more virtual objects (column 33, lines 44-65).

Regarding claim 8, Alexander discloses that the program 12 is a TV program (figure 1).

Regarding claim 9, Alexander discloses that the program may be a TV advertisement column 26, line 61-column 27, line 2).

Regarding claim 10, Alexander discloses that the virtual object positions may be fixed within a frame (column 22, lines 34-47).

Regarding claim 12, Alexander discloses that the virtual channel ads may be interactive (column 26, lines 4-29).

Regarding claim 13, Alexander discloses that programs are broadcast to the terminals and that,

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Categories of virtual objects and programs are created (column 34, lines 15-20, column 33, lines 57-65),

Within one or more of the categories, groups are defined (column 34, lines 56-column 35, line 2),

Generating group assignment rules based on common viewer characteristics (column 29, lines 31-55, column 30, lines 17-37),

Providing and storing the group assignment rules to the terminals (column 32, lines 27-34)

Utilizing the rules to assign a terminal to a group (column 32, lines 35-54),

Comparing the retrieval plan to the group assignments to determine which virtual object to display (column 32, lines 35-54).

Regarding claim 14, Alexander discloses,

Assigning the virtual objects to one or more virtual object locations (column 34, lines 58-column 35, line 2, Figure 1, locations 14/16),

Assigning alternate objects (column 34, lines 58-63, column 33, lines 38-43)

Creating a group mask assignment to compare the retrieval plan to the terminal group assignment (column 32, lines 39-54, column 33, lines 36-65).

Regarding claim 15, Alexander discloses,

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Ranking one or more of the programs based on target categories and a first percentage of total viewers in one or more groups of viewers (column 34, lines 36-41),

Ranking the targeted virtual objects... (column 34, lines 36-43)

Determining for one of the programs... (column 34, lines 58-63)

Assigning one or more objects as default objects (column 34, lines 58-63)

Assigning alternate objects (column 34, lines 58-63).

Regarding claims 16-18, Alexander discloses groups include profiling information such as demographics, viewer entered information, and programs watched (column 28, lines 13-21, column 29, lines 43-44, column 30, lines 29-38).

Regarding claim 19, Alexander discloses that the profile includes ads watched information (column 27, lines 45-47).

Regarding claim 20, Alexander discloses that the virtual channel ads may be interactive (column 26, lines 4-29) and that the profile includes ads watched information (column 27, lines 45-47).

Regarding claim 21, Alexander discloses the terminal is a set top box (column 3, lines 3-7).

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Regarding claims 25-26, Alexander discloses, a method of targeting virtual objects to terminals comprising:

Creating a package of targeted virtual objects and providing the ads to one or more of the terminals (column, lines 44-50),

Generating group assignment rules and providing it to one or more of the terminals, to assign a terminal to a group (column 32, lines 35-51),

Generating and providing retrieval plan to the terminal (column 32, lines 41-45)

Providing a program 10 to the terminals, the program including at least one virtual object location 14 (Figure 1).

Regarding claim 27, Alexander discloses retrieving one of the targeted virtual objects for display in a virtual object location 14 (column 33, lines 44-50).

Regarding claim 28, Alexander discloses comparing a group assignment matrix to a retrieval plan and then selecting the appropriate targeted advertisement (column 34, lines 10-23).

Regarding claims 29 and 30, Alexander discloses that a virtual object may be an EPG link to an Internet website (column 34, lines 10-15).

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Regarding claim 31, Alexander discloses that group assignments are preformed by analyzing individual and group data (column 31, lines 48-52, column 32, lines 35-47).

Regarding claim 32, Alexander discloses that group assignments may be based programs watched information and that this information is updated to reflect changes (column 29, lines 31-68).

Regarding claim 34, Alexander discloses a method for assigning targeted virtual objects in a program comprising,

Identifying a program to carry a targeted virtual object (column 33, lines 26-36),

Assigning the virtual objects to target categories (column 34, lines 16-18),

Dividing the categories into groups of viewers (column 34, lines 16-18)

Ranking one or more of the programs based on target categories and a first percentage of total viewers in one or more groups of viewers (column 34, lines 36-41),

Ranking the targeted virtual objects... (column 34, lines 36-43)

Determining for one of the programs... (column 34, lines 58-63)

Assigning one or more objects as default objects (column 34, lines 58-63)

Assigning alternate objects (column 34, lines 58-63)

Assigning the objects to the virtual objects locations (column 34, lines 58-column 35, line 2).

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Regarding claims 35, Alexander discloses the percentages are based on viewer demographics and location (column 28, lines 13-21, column 29, lines 43-44, column 30, lines 29-38, column 32, lines 7-10).

Regarding claim 36, see claim 13.

Regarding claim 37, Alexander discloses that the retrieval plan and group assignments may be updated and sent back to the terminals (column 29, lines 14-30, column 33, lines 9-15, column 34, lines 49-55).

Regarding claim 38-39, Alexander discloses that the targeted objects, retrieval plan and group assignment matrix may be transmitted over the Internet (column 29, lines 31-37, column 33, lines 44-56).

Regarding claim 40, Alexander discloses that the objects may be transmitted from a cable network (headend, column 32, lines 45-51).

Regarding claim 41, Alexander discloses that the advertisements may be transmitted with the program (column 32, lines 55-56).

Regarding claim 42, Alexander discloses that the advertisements may be transmitted separately from the program (column 33, lines 44-47).

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Regarding claim 43, Alexander discloses a method for targeting virtual objects to subscribers comprising,

Gathering information related to the subscribers (column 29, lines 14-21),

Analyzing the information to create a profile column 29, lines 14-32),

Correlating the profile with categories of virtual objects (column 29, lines 37-50, column 34, lines 16-23),

Selecting a first and second virtual object for display for a first and second subscriber (column 34, lines 16-23, column 33, lines 36-42).

Regarding claim 44, Alexander discloses gathering information related to the subscribers, including programs watched data (column 29, lines 1-68).

Regarding claim 45, Alexander discloses in figure 1, virtual objects locations in which advertisements are display in windows 14/16.

Regarding claim 51, Alexander discloses a routine on a terminal device, which targets virtual objects to a viewer and group of viewers,

A group definition routine, which determines target categories of viewer characteristics (column 29, lines 31-55, column 30, lines 17-37),

A group assignment routine (column 32, lines 35-54)

A virtual object location routine (column 22, lines 1-9),

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A retrieval plan generator for retrieving objects based on group number (column 34, lines 17-25).

Regarding claim 52, Alexander discloses a method for targeting virtual objects to viewers comprising,

Recognizing a virtual object location in a program (column 22, lines 1-9),

Receiving one or more virtual objects (column 33, lines 44-50),

Generating a retrieval plan that instructs a viewers terminal to place an at in a location (column 34, lines 15-25).

Regarding claim 53, Alexander discloses a method for targeting virtual objects to locations in a program,

Identifying advertisements for insertion into a location (column 34, lines 17-25),

Generating a profile (column 29, lines 22-55)

and providing an object based on the identity of a terminal that displays the program (column 32, lines 39-54).

Regarding claim 54, Alexander discloses a method for targeting advertisements,

Identifying a terminal based on profile information (column 33, lines

Identifying virtual object locations... (column 22, lines 1-9),

Targeting virtual objects for insertion... (column 32, lines 39-47).

Regarding claim 55, Alexander discloses displaying multiple ads simultaneously, (figure 1, locations 14/16).

Regarding claims 56 and 58, Alexander discloses that a virtual object may be an EPG link to an Internet website which then displays the information (column 34, lines 10-15).

Regarding claim 59, Alexander discloses a terminal that targets virtual objects for display to a viewer comprising,

A receiver... (column 3, lines 1-7, column 34, lines 10-25),

A memory... (column 34, lines 12-25),

A processor (column 5, lines 21-37) that executes a group assignment plan

A group assignment routine (column 32, lines 35-54)

A virtual object location routine (column 22, lines 1-9), which assigns virtual objects based on a comparison of the retrieval plan and group assignments (column 34, lines 17-25)

Regarding claim 60, Alexander discloses the rules are stored in memory (column 29, lines 14-27).

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Regarding claim 61, Alexander discloses that the rules are received by the receiver and utilized to assign a group (column 30, lines 37-44).

Regarding claim 62, Alexander discloses that there is internally generated information (column 30, lines 29-37), and externally provided information (column 29, lines 14-29).

Regarding claim 64, Alexander discloses the internal information includes programs watched (column 34, lines 49-51) and virtual objects displayed (column 27, lines 45-47).

Regarding claim 66, Alexander discloses that the user profile is periodically updated (column 29, lines 22-27) and may incorporate other information regarding a user (column 30, lines 18-37).

Regarding claim 68, Alexander discloses a method of assigning virtual objects to a program comprising,

Identifying a program to carry the virtual object (column 20, lines 28-49)

Assigning the virtual objects to target categories and groups, (column 34, lines 16-19)

Generating virtual object location group percentage breakdowns...
(column 30, lines 38-44)

Creating virtual object rankings.... (column 30, lines 38-44)

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Determining and assigning virtual objects.... (column 34, lines 10-25).

Regarding claim 69, Alexander discloses a method of targeting virtual objects to terminals comprising,

Identifying virtual objects and providing them to a terminal (column 34, lines 10-25)

Generating and storing a retrieval plan at the terminal (column 34, lines 17-23)

Providing a program which includes a virtual object location (column 19, lines 50-61) and the retrieval plan designates which objects to retrieve and display (column 34, lines 10-25).

Regarding claim 70, see claim 3.

Regarding claims 71-72, Alexander discloses that the EPG may utilizes profiling rules (column 29, lines 31-33), and that during set up procedures, a user is asked to input their zip code and identify their cable subscription service (column 32, lines 7-21), this information is utilized to assign a user into a group for advertisement selections (column 32, lines 35-45).

Regarding claim 73 and 74, Alexander discloses the retrieval of a virtual object for display (column 34, lines 10-25), a comparison may be preformed to determine which object to display (column 34, line 56-column 35, line 2).

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Regarding claim 75, Alexander discloses that a virtual object may be an EPG link to an Internet website (column 34, lines 10-15).

Regarding claim 76-78, Alexander discloses that group assignment rules are transmitted via a cable network (column 32, lines 7-21), the virtual objects may be transmitted from a cable network (headend, column 32, lines 45-51) and that the retrieval plan is transmitted via a cable network (column 34, lines 10-23),

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 22-24, 46, 47, 57, 65 and 67 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,177,931 to Alexander.

Regarding claim 22, Alexander discloses that the display 10 may be a PC monitor (column 3, lines 3-7) and that the terminal may have an Internet connection (column 33, lines 44-47).

Alexander does not disclose the use of a personal computer as a television terminal.

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The examiner takes official notice that the use of a pc as a television as a terminal is notoriously well known in the art, in particular for enabling access to the Internet or other online resources.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Alexander to utilize a PC as a television terminal, thus enabling a user to retrieve additional information regarding a program or service.

Regarding claim 23, Alexander discloses that the display 10 may be a generated by a conventional STB (column 3, lines 3-7) and that the EPG may know which satellite services a user is subscribed too (column 28, lines 12-16).

Alexander fails to disclose coupling the TV terminal to a satellite receiver.

The examiner takes official notice that a TV terminal coupled to a satellite receiver is notoriously well known in the art, thus enabling a viewer to view both satellite channels and local TV channels.

Therefore it would have been obvious to one skilled in the art at the time of invention to modify Alexander to coupled the TV terminal to a satellite receiver thus enabling a viewer to receive satellite channels, and view a composite program guide which lists programs received via a satellite interface and a local TV interface.

Regarding claim 24, Alexander discloses that the profile includes information regarding which ads a user has watched within the EPG (column 27, lines 45-47) and that profile information may be processed at the headend

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(column 29, lines 14-21), history of programs watched is over written by deleting the oldest data stored in memory (column 34, lines 49-51).

Alexander fails to disclose deleting the identification of the ad watched from the memory within the terminal.

The examiner takes official notice that deleting information after it has been transmitted is notoriously well known in the art. Deleting information frees up limited memory within a device and enables other information to be stored in its place.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Alexander to delete an identification from memory, thus freeing up memory for use by other programs and records within the terminal.

Regarding claims 46-47, Alexander discloses that there may be multiple locations for virtual objects (figure 1, positions 14/16), and that ads may be delivered along with a TV transmission (column 32, lines 55-60).

Alexander does not disclose transmitting the location for the ad along with the program.

The examiner takes official notice that transmitting information for the location of an advertisement is notoriously well known in the art. For example, on a web page with advertisements, the position for each advertisement is transmitted along with the advertisement within the HTML file, thus enabling an author/advertiser to place an advertisement in a position in which a viewer would be most likely to see it.

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Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Alexander to transmit the position in which to display an advertisement along with the location in which to display advertisement, thus positioning an advertisement in a place in which a viewer would be most likely to see it.

Regarding claim 57, Alexander discloses that the content may be a video clip related to the product being advertised (column 20, lines 4-12).

Alexander does not disclose the location of the video clip.

The examiner takes official notice that transmitting video from a operations center is notoriously well known in the art. Transmitting from an operations center on the same network allows for the video to be transmitted with a high quality of service, as the data is located on the same network as a user.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Alexander to store a video clip at an operations center, thus allowing for a high fidelity transmission through a local network provider.

Regarding claims 65 and 67, Alexander discloses that the user profile is periodically updated to include new information since the last analysis (column 29, lines 22-27).

Alexander is silent regarding adding revised rules to further profile a user.

The examiner takes official notice that adding revised profiling rules to further profile a user is notoriously well known in the art. Adding new rules allows

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a profiling system to take into account new criteria and new types of programming.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Alexander to include revised rules to redefine a group assignment, in order to take into account new criteria and more accurately profile a user.

7. Claims 33 and 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,177,931 to Alexander in view of U.S. Patent 6,741,834 to Godwin.

Regarding claim 33, Alexander discloses the use of a STB to display an EPG (column 3, lines 2-7).

Alexander is silent regarding the use of a GPS receiver to determine a geographical location and to store that data.

Godwin discloses an EPG which is run on a set top box 110, a GPS receiver 524 is utilized to determine the position of the subscriber receiver, this information is passed onto a controller 530 and EPG data module 532, which determines which EPG information should be displayed to a user without requiring any user input (column 7, lines 30-51, figure 8b).

Therefore it would have been obvious to one skilled in the art at the time of invention to modify Alexander to utilize the GPS receiver of Godwin to determine which programs and channels should be made available to a user,

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thus presenting programming which would be of interest to a user and is relevant to a subscribers location.

Regarding claim 63, Alexander discloses the use of a STB to display an EPG (column 3, lines 2-7).

Alexander is silent regarding the use of a GPS receiver to determine a geographical location, area of influence, postal code information and to store that data in the terminal.

Godwin discloses an EPG which is run on a set top box 110, a GPS receiver 524 is utilized to determine the position of the subscriber receiver, this information is passed onto a controller 530 and EPG data module 532, which determines which EPG information should be displayed to a user without requiring any user input (column 7, lines 30-51, figure 8b).

Therefore it would have been obvious to one skilled in the art at the time of invention to modify Alexander to utilize the GPS receiver of Godwin to determine which programs and channels should be made available to a user, thus presenting programming which would be of interest to a user and is relevant to a subscribers location.

Godwin is silent regarding the use of a processor to determine the postal code information based off of a location.

The examiner takes official notice that the use of a lookup table to determine postal code information is notoriously well known in the art. For example <http://www.chilidog.com/zip/zipnotes.html> discloses the use of a zip

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code database which includes latitude and longitudes corresponding to a zip code.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Alexander and Godwin to utilize a postal code lookup, thus enabling the receipt of customized information without requiring a user to enter any additional information.

8. Claims 11, and 48-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,177,931 to Alexander in view of U.S. Patent 6,493,872 to Rangan.

Regarding claims 11 and 48, Alexander discloses an apparatus, which targets advertisements for display at a user location comprising,

A virtual object location identifier which identifies locations (column 34, lines 56-63),

A virtual object selector....(column 34, lines 63-65)

A targeted virtual object manager coupled to the virtual object selector which determines which object to select to be displayed in a location. (column 34, lines 63-65)

A group assignment rules generator (column 29, lines 31-34, column 34, lines 18-25).

Alexander fails to disclose identifying virtual object locations in a video.

Rangan discloses locating virtual object locations in a video, an annotation stream and original data stream are transmitted to a user and combined for

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display, advertisements may be associated with a tracked object (a moving object within a video) and may provide additional information on a product(column 6, lines 6-16, 27-35, column 7, lines 18-44).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Alexander to include the virtual object locations, as taught by Rangan, thus enabling a program provider to further customize the display of advertising in a video stream and enable a user to learn more about a product.

Regarding claim 49, Alexander discloses that the objects are selected based on a profile stored at a user location (column 29, lines 31-34, column 34, lines 18-25).

Regarding claim 50, Alexander discloses the use of a processor to map the device to a group of viewers based on programs watched (column 5, lines 21-46, column 35, lines 19-27).

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone number is 703-305-3234. The examiner can normally be reached on Monday-Friday during normal business hours.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 703-305-4755. The

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fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HBL



CHRIS GRANT
PRIMARY EXAMINER